

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA  
3

4 Paolo Pronesti,  
5 Plaintiff

6 v.

7 Department of Child and Family Services  
8 Clark County, Nevada, et al.,  
9 Defendants  
10

2:15-cv-01994-JAD-PAL

Order Certifying That *In Forma*  
*Pauperis* Status Should not Continue  
on Appeal

11 Pro se plaintiff Paolo Pronesti sued defendants to challenge state-court child-custody  
12 proceedings. Magistrate Judge Peggy Leen granted Pronesti's application to proceed *in forma*  
13 *pauperis* and, after screening his complaint, recommended that I dismiss this case for lack of  
14 jurisdiction. On March 13, 2017, I adopted the magistrate judge's recommendation and dismissed  
15 and closed this case.<sup>1</sup> Nearly a month later, Pronesti moved for leave to file and amended complaint<sup>2</sup>  
16 and later appealed my dismissal order to the Ninth Circuit.<sup>3</sup> I denied Pronesti's motion for leave to  
17 file an amended complaint.<sup>4</sup> The Ninth Circuit has referred this matter back to me to determine  
18 whether Pronesti's *in forma pauperis* status should continue on appeal, which requires me to  
19 determine whether Pronesti's appeal is frivolous or taken in bad faith.<sup>5</sup>

20 This case was dismissed at the trial level for lack of subject matter jurisdiction, and this  
21 defect will continue on appeal. Accordingly, for the reasons set forth in my dismissal order and my  
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24 <sup>1</sup> ECF No. 7.

25 <sup>2</sup> ECF No. 9.

26 <sup>3</sup> ECF No. 10.

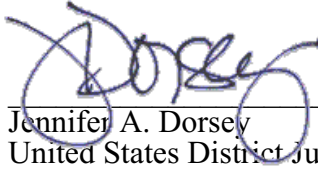
27 <sup>4</sup> ECF No. 11.

28 <sup>5</sup> See 28 U.S.C. § 1915(a)(3); see also *Hooker v. American Airlines*, 302 F.3d 1091, 1092 (9th Cir. 2002).

1 order denying Pronesti's motion to file and amended complaint,<sup>6</sup> I HEREBY CERTIFY that this  
2 appeal is frivolous and taken in bad faith and that *in forma pauperis* status should not continue on  
3 appeal.

4 The Clerk of Court is directed to send a copy of this order to the U.S. Court of Appeals for  
5 the Ninth Circuit (reference case number 17-15717).

6 Dated this 24th day of April, 2017.

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8 Jennifer A. Dorsey  
9 United States District Judge  
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<sup>6</sup> ECF Nos. 7,11.